

By: Workman

H.B. No. 4304

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on habitat conservation plans in Travis County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 7, Parks and Wildlife Code, is amended by adding Chapter 287 to read as follows:

CHAPTER 287. TRAVIS COUNTY

Sec. 287.001. DEFINITIONS. In this chapter, "federal act," "federal permit," "habitat conservation plan," "habitat preserve," and "plan participant" have the meanings assigned by Section 83.011.

Sec. 287.002. APPLICABILITY. This chapter applies to Travis County.

Sec. 287.003. PROHIBITION OF INCLUSION OF PARK LAND IN HABITAT CONSERVATION PLAN. (a) Land dedicated for the purpose of serving as a public park may not be included in a habitat preserve as part of a habitat conservation plan.

(b) If a habitat conservation plan in effect on September 1, 2017, includes in a habitat preserve land that was dedicated for the purpose of serving as a public park, the plan participant that owns the land shall submit a request in accordance with the federal act to amend the federal permit to exclude the land described by this subsection. If the amendment request is granted, the plan participant that owns the land must remove the land from the habitat

1 preserve and convert the land to a public park.

2 Sec. 287.004. ACQUISITION OF LAND FOR HABITAT PRESERVE.

3 (a) A plan participant may not acquire land that is not described
4 in a habitat conservation plan for use in a habitat preserve.

5 (b) A plan participant may not seek an amendment under the
6 federal act to add land to a habitat preserve once the federal
7 permit has been issued.

8 (c) A plan participant may not acquire land for use in a
9 habitat preserve after the 20th anniversary of the date on which the
10 federal permit that describes the habitat preserve was issued.

11 Sec. 287.005. REMOVAL OF CERTAIN LAND FROM HABITAT
12 CONSERVATION PLAN. (a) After the 20th anniversary of the date on
13 which a federal permit that describes a habitat preserve was
14 issued, if land described in the habitat conservation plan and
15 designated to be part of a habitat preserve has not been acquired by
16 a plan participant, the plan participants shall submit a request in
17 accordance with the federal act to amend the federal permit to
18 exclude the land described by this subsection.

19 (b) If the request described by Subsection (a) to amend the
20 federal permit is granted, not later than the 10th day after the
21 date the federal permit is amended the plan participants shall
22 notify the landowner of the land described by Subsection (a) in
23 writing that the land is no longer included in the federal permit.

24 Sec. 287.006. ANNEXATION OF CERTAIN LAND BY MUNICIPALITY.

25 Land that is removed from a federal permit under Section 287.005 may
26 not be annexed by a municipality unless the landowner consents in
27 writing to the annexation.

1 SECTION 2. This Act takes effect September 1, 2017.